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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,023	10/19/2004	John E. Hakala	1072-105.US	2016
23390	7590	11/06/2006	EXAMINER	
COLIN P ABRAHAMAS 5850 CANOGA AVENUE SUITE 400 WOODLAND HILLS, CA 91367			WAGGONER, TIMOTHY R	
			ART UNIT	PAPER NUMBER
			3651	

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/512,023

Applicant(s)

HAKALA, JOHN E.

Examiner

Timothy R. Waggoner

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-15 and 19-31 is/are rejected.
- 7) ☒ Claim(s) 9, 10 and 16-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 09/05/2006 have been fully considered but they are not persuasive.

Applicant's arguments filed with respect to claims 1-8, 11-15 and 19-31 have been fully considered but they are not persuasive. Applicant argues that the Hakala reference does not disclose regulating means on the cartridge to adjust the spacing of the guide rails. The regulating means of Hakala is the sloped surfaces at the end of the cartridge, which interacts with the means for varying the distance between the guide rails. For the foregoing reasons claims 1-8, 11-15 and 19-31 stand rejected.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 11-15, and 19-31 rejected under 35 U.S.C. 102(b) as being anticipated by Hakala US Pub No 2001/0013521 A1.

Hakala discloses a clip fastener comprising:

(Re claim 1) "a housing" (12 figure 1). "a releasable cartridge (16 figure 1) in or on the housing ... having regulating means (figure 15(a))". "a track for receiving clips from the magazine ... a pair of guide rails" (62 figure 9). "means for varying the distance

between the guide rails in response to the regulating means on the cartridge" (280 figure 16). "a ram member for moving the clip" (52 figure 5(a)).

(Re claim 2) "spreader means for separating an inner loop of the clip from an outer loop" (56a and 56b figure 2(d)).

(Re claim 3) "cartridge comprises a magazine having rectangular or oval body (250 figure 3) ... body having a lid (262 figure 13) and a spring (264 figure 14) ... the body further having a dispensing aperture at an end opposite that of the lid (272 figure 14)".

(Re claim 4) "each guide rail receives a side piece of an outer loop of the clip the rails slightly exceeding the width defined by side pieces of an inter loop of the clip" (claim 3).

(Re claim 5) "means for varying the distance between the guide rails comprises at least one projection associated with each of the guide rails" (unnumbered ramps attached to rail feature 62 figure 9). "regulating means on the cartridge comprises an activating surface ... the activating surface cooperating with the means for varying the distance on the guide rails" (edges of figure 15(b)).

(Re claim 6) "activating surface comprises the presence (figure 15(a)) or absence (figure 15(a)) of a recess"

(Re claim 7) "means for varying the distance between the guide rails comprises a receiving surface associated with each of the guide rails" (unnumbered ramps attached to rail feature 62 figure 9). "regulating means on the cartridge comprises an activating

surface ... the activating surface cooperating with the means for varying the distance on the guide rails" (edges of figure 15(b)).

(Re claim 8) "receiving surface is substantially flat area () and the activating surface comprises the presence (figure 15(b)) or absence (figure 15(a)) of a projection.

(Re claim 11) "at least on securing member for securing the cartridge in the clip fastner" (268,270 figure 14).

(Re claim 12) "biasing means for biasing a plurality of clips" (264 figure 14)

(Re claim 13) "guide rails are movable between a first position and a second position" (claim 18).

(Re claim 14) "a depressor is provided for separating inner and outer loops of the paper clips and comprises a thin, flat structure having a curved edge for engaging the inner loop" (117 figure 5(a)).

(Re claim 15) "biasing means for normally urging the rails in to the first position" (claim 27)

(Re claim 19) "a surface upon which papers to be clipped are mounted" (lower jaw figure 17)

(Re claim 20) "surface is mounted on a spring" (292 figure 17)

(Re claim 21) "ram member is mechanically activated" (claim 7).

(Re claim 22) "ram member is electrically operated" (claim 8).

(Re claim 23) "a pair of wedge-shaped spreaders having a sharpened leading edge, an upper surface (84 figure 7(a)) substantially parallel and coplanar with the track, and a lower inclined surface (82 figure 7(a)).

(Re claim 24) "a depressing member immediately upstream of the spreader means" (122 figure 7(b)).

(Re claim 25) "a housing (260 figure 14) for receiving a plurality of paper clips, regulating means (figure 15(a or b)) on the housing".

(Re claim 26) "an opening through which a sensor can detect the presence, absence and/or low quantity of clips" (opening in the bottom of the cartridge as seen in figure 2(d))

(Re claim 27) "a housing" (12 figure 1). "a magazine in or on the housing" (16 figure 1). "a track for receiving clips from the magazine" (48 figure 1). "means for moving the clip along the pathway defined by the track" (52 figure 1). "spreader means in the pathway" (56a and 56b figure 1).

(Re claim 28) "a first set of grooves ... and a second set of grooves" (56c and 56d figure 10)

(Re claim 29) "wherein the wedge has a first sloped surface ... and a second sloped surface" (56c and 56d figure 10)

(Re claim 30) "wherein the wedges have channels therein" (channels figure 9).

(Re claim 31) "clip fastener is able to accommodate and dispense paper clips of at least two sizes" (claim 24).

***Allowable Subject Matter***

Claims 9,10 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

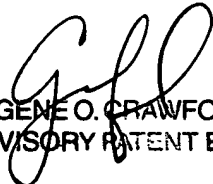
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Waggoner whose telephone number is (571) 272-8204. The examiner can normally be reached on Mon-Thu 8am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TRW

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER